

REMARKS

Claims 1-25, 39-50, 86-87, 90, 92, 95-99, 101, 103-112, 115-130, 132 and 134-146 are pending in the present application prior to entry of the instant claim amendments.

Claims 1-25, 39-50, 119 and 120 have been withdrawn from consideration. By virtue of this response claims 86, 90, 92, 95-99, 101, 103-106, 127, 130, 132, 134-135, 138-139, and 140-146 have been amended, in part for clarity regarding sequence identifiers and to correct inadvertent word processing errors. Applicants respectfully request consideration and entry of the present amendment. Accordingly, claims 86-87, 90, 92, 95-99, 101, 103-112, 115-118, 121-130, 132 and 134-146 are currently under consideration.

Regarding Substance of Interview

Paper number 08192004 included a PTOL-413 form that has a statement that a formal written reply must include the substance of the interview. Applicants note for the record that the Examiner contacted Applicants' representative via telephone regarding a question related to SEQ ID NO:13. Applicants' representative contacted the Examiner regarding the question. The Examiner stated that a communication had been sent to Applicants' representative. For the record, Applicants noted that SEQ ID NO:13 in the paper copy of the Sequence Listing is both a nucleic acid and amino acid sequence. The Examiner indicated that in the CRF of the Sequence Listing, SEQ ID NO: 13 is a nucleic acid.

Regarding Supplemental Information Disclosure Statement (IDS)

Applicants submit concurrently herewith a Supplemental IDS. Applicants respectfully request that the Examiner initial the Form PTO 1449, indicating consideration, and return to Applicants' representative.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. **316082000121**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 23, 2004

Respectfully submitted,

By 

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Registration No.: 33,888

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This Supplemental Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

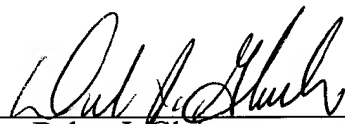
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been

made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 316082000121. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 23, 2004

Respectfully submitted,

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